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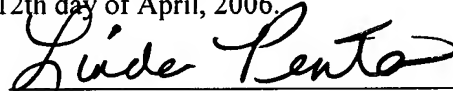
PATENT
Attorney Docket No. THI-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Teich et al.
SERIAL NO.: 10/688,791 GROUP NO.: 1655
FILING DATE: October 17, 2003 EXAMINER: C. Bull
TITLE: METHOD AND DEVICE FOR MEASURING MULTIPLE
PHYSIOLOGICAL PROPERTIES OF CELLS

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th day of April, 2006.

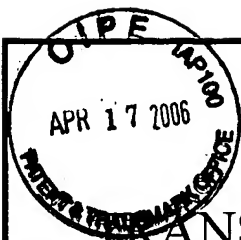

Linda M. Penta

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Response To Restriction Requirement (2 pages);
3. Return receipt postcard



TRANSMITTAL FORM

| | |
|---------------------------|------------------|
| Application Serial Number | 10/688,791 |
| Filing Date | October 17, 2003 |
| First Named Inventor | Teich |
| Group Art Unit | 1655 |
| Examiner Name | C. Bull |
| Attorney Docket No. | THI-002 |
| Patent No. | Not yet assigned |
| Issue Date | Not yet assigned |

ENCLOSURES (check all that apply)

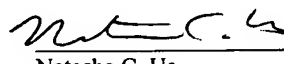
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|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input checked="" type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of SIDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|---|---|---|

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Respectfully submitted,


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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper responds to the Election Requirement mailed from the U.S. Patent and Trademark Office on March 13, 2006, in connection with the above-identified patent application.

The Examiner has required the Applicants to elect one of five perceived patentably distinct groups of claims: Group I (claims 1–39), Group II (claims 40–54), Group III (claims 55–68), and Group IV (claims 69–80). Applicants hereby elect, without traverse, Group I, claims 1–39, drawn to a method of analyzing cells disposed in a media within a vessel by reducing the media volume and analyzing a constituent within the reduced volume.

Applicants also elect the following single species for each Type of Species A–L identified by the Examiner:

| | Type | Listed in Claim(s) | Elected Species Type |
|------------------------------|------|---------------------|---|
| Type of Cell | A | 8 | Eukaryotic cell |
| Type of Constituent | B | 12 | Dissolved gas |
| Type of Dissolved Gas | C | 13 | Oxygen |
| Type of Cation | D | 14 | H+ |
| Type of Protein | E | 15 | Insulin |
| Type of Substrate | F | 16 | A fatty acid |
| Type of Sensor | G | 24, 45 | Fluorescent sensor |
| Type of Parameter | H | 25 | Cell viability |
| Type of Altered Environment | I | 35 | A drug |
| Type of Seating Surface | J | 56, 70 | [Not applicable to elected Group I] |
| Type of Further Method Step | K | 2, 26–27, 34, 36–39 | Claim 2 - increasing the reduced volume of media about the cells to substantially the original volume |
| Type of Constituent Analysis | L | 19–23 and 25 | Claim 22 - sensing the rate of change of concentration of the constituent |

The claims readable on these elected species types are claims 1–39. At least claims 1, 12, and 23 are generic claims.


Applicants respectfully request that the application now proceed promptly to examination. Applicants believe that no additional fees are necessitated by the present Response. However, in the event that any additional fees are due, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 07-1700.

If the Examiner believes that a telephone conversation with Applicants' attorney would expedite allowance of this application, the Examiner is cordially invited to call the undersigned attorney at (617) 570-1806.

Respectfully submitted,

Date: April 12, 2006
Reg. No. 44,381

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